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STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

IN THE ELKHART SUPERIOR COURT
CAUSE NO. 20D01-1005-CT-38

JERRY ADKINS, et. al.,

Plaintiffs,

vs.

VIM RECYCLING, INC, K.C. INDUSTRIES,
LLC and KENNETH R. WILL

Defendants.

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JAN 19 2011

OFFICE OF REGIONAL ADMINISTRATION

SUBPOENA DUCES TECUM

TO: United States Environmental Protection Agency, Region V
Susan Hedman, Regional Administrator
77 West Jackson Blvd
Mail Code: R-19J
Chicago, IL 60604

You are hereby commanded to produce any and all records and/or documents requested in the Indiana Trial Rule 34(C) Request for Production to Non-Party attached hereto. You are entitled to security against damages or payment of damages resulting from this request. You may respond to this request by submitting to its terms, by proposing different terms, by objecting specifically or generally to the request by serving a written response to the party making the request within thirty (30) days, or by moving to quash as permitted by Rule 45(B).

Issued this the 16th day of January, 2011.

Respectfully submitted,



Kim E. Ferraro, Attorney No. 27102-64
150 Lincolnway, Suite 3002
Valparaiso, IN 46383
219/464-0104
Attorney for Plaintiffs

STATE OF INDIANA)	IN THE ELKHART SUPERIOR COURT
) SS:	
COUNTY OF ELKHART)	CAUSE NO. 20D01-1005-CT-38
JERRY ADKINS, et. al.,)	
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Plaintiffs,)	
)	
vs.)	
)	
VIM RECYCLING, INC, K.C. INDUSTRIES,)	
LLC and KENNETH R. WILL)	
)	
Defendants.)	

PLAINTIFFS' NON-PARTY REQUEST FOR PRODUCTION

TO: United States Environmental Protection Agency, Region V
Susan Hedman, Regional Administrator
77 West Jackson Blvd
Chicago, IL 60604

The United States Environmental Protection Agency (EPA), Region V, a non-party to this action, is requested, pursuant to Indiana Trial Rule 34(C) to produce for inspection and/or copying within thirty (30) days after service of this Request, at the offices of the Legal Environmental Aid Foundation of Indiana, Inc., 150 Lincolnway, Suite 3002, Valparaiso, Indiana 46383 or at such other time and place as is mutually convenient, the following:

DEFINITIONS / INSTRUCTIONS

A. The term "document" as used herein shall be used in its broadest sense and shall mean and include all handwritten, printed, typed, recorded, computer-generated and/or graphic matter of every kind and description, and includes all copies, drafts, proofs, both originals and copies either (1) in the possession, custody or control of EPA regardless of where located, or (2) produced or generated by, known to or seen by EPA, but not now in the agency's possession, custody or control, regardless of where located whether or not still in existence.

Such "documents" shall include, but are not limited to, applications, permits, enforcement records, monitoring reports, computer printouts, contracts, leases, agreements, papers, photographs, tape recordings, transcripts, letters or other forms of correspondence, folders or similar containers, programs, telex, TWX and other teletype communications, memoranda, reports, studies, summaries, minutes, minute books, circulars, notes (whether typewritten, handwritten or otherwise), agenda, bulletins, notices, announcements, instructions, charts, tables, manuals, brochures, magazines, pamphlets, lists, logs, telegrams, drawings, sketches, plans,

specifications, diagrams, drafts, books and records, formal records, notebooks, diaries, registers, analyses, projections, email correspondence or communications and other data compilations from which information can be obtained (including matter used in data processing) or translated, and any other printed, written, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated or made.

B. Without limitation, the term "control" as used in the preceding paragraph means that a document is deemed to be in EPA's control if EPA has the right to secure the document or a copy thereof from another person or public or private entity having actual possession thereof. If a document is responsive to a request, but is not in EPA's possession or custody, identify the person with possession or custody. If any document was in EPA's possession or subject to EPA's control, and is no longer, state what disposition was made of it, by whom, the date on which such disposition was made, and why such disposition was made.

C. The term "communication" as used herein shall mean and include any transmission or exchange of information between two or more persons, whether orally or in writing, and includes, without limitation, any conversation or discussion by means of letter, telephone, note, memorandum, telegraph, telex, telecopy, cable, email, or any other electronic or other medium.

D. The term "person" as used herein includes individuals, firms, corporations, partnerships, joint ventures, associations, governmental entities, other entities or groups of persons, and each division, department and other unit thereof, unless the context clearly indicates reference only to a specific individual.

E. The terms "VIM facility" and "facility" refer to all land, structures, processes, operations, and activities at or conducted at the VIM Recycling facility located at 29861 U.S. Highway 33, in Elkhart, Indiana including but not limited to buildings, process machinery, waste or material storage piles, berms, and/or drainage structures, ditches and ponds.

F. The terms "VIM site" or "site" refers to the real property on which the VIM facility is located at 29861 U.S. Highway 33, in Elkhart, Indiana.

G. The terms "you" or "your" means the Environmental Protection Agency including its employees, agents, servants, and representatives, past and present, and, unless privilege is claimed, each and every attorney, past or present, and anyone else acting on EPA's behalf.

H. The term "waste(s)" means any garbage, refuse, sludge, or other discarded material including solid, liquid, or semisolid material resulting from industrial, commercial, mining, oil production, and agricultural operations or community operations activities, including household wastes, and also including, but not limited to, any "solid waste" as defined under the Resource Conservation and Recovery Act, 42 U.S.C.A. § 6903(27) and "hazardous waste" as defined under the Resource Conservation and Recovery Act, 42 U.S.C.A. § 6903(5).

I. The terms "and" and "or" as used herein shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of document request any information which might be deemed outside its scope by another construction.

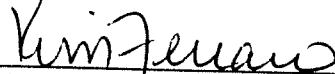
PRODUCTION REQUESTS

1. Any and all documents regarding the VIM facility, VIM site, the owners/operators of the VIM facility/site, and/or any agent or employee of the owners/operators of the VIM facility/site, including but not limited to all documents regarding VIM Recycling, Inc., K.C. Industries, LLC, Kenneth R. Will, and/or Soil Solutions Company.
2. Any and all documents regarding the transportation, processing, grinding, recycling, storing, stockpiling, disposal, removal, or other handling of waste at the VIM facility.
3. Any and all communications between EPA and representatives of VIM Recycling, Inc., K.C. Industries, LLC, Kenneth R. Will and/or Soil Solutions Company including but not limited to: correspondence, emails, letters, notes taken during telephonic conversations, and any other record of communication as that term is defined above.
4. Any and all EPA intra-office communications, including but not limited to: emails, letters, memoranda, notes taken during telephonic conversations, proposed responses, and reviews regarding VIM Recycling, Inc., K.C. Industries, LLC, Kenneth R. Will and/or Soil Solutions Company including their agents, representatives and/or employees.
5. Any and all documents pertaining to solid waste operator certifications granted to or under review for the VIM facility including such certifications for any employee, agent, owner, manager, and/or other individual permanently or temporarily employed by VIM Recycling, Inc., K.C. Industries, LLC, Kenneth R. Will and/or Soil Solutions Company.
6. Any and all documents pertaining to permits, variances, special exceptions, rezoning or other such approvals of any kind to construct, operate or use land at the VIM facility granted, modified, renewed or denied to VIM Recycling, Inc., K.C. Industries, LLC, Kenneth R. Will and/or Soil Solutions Company.
7. Any and all documents regarding the transfer of operations at the VIM facility/site from VIM Recycling, Inc. to Soil Solutions Company or any other person or entity, including but not limited to: real estate transfer documents, purchase agreements, lease agreements, partnership agreements, employment contracts, or operator agreements.
8. Any and all documents pertaining to violations of federal, state or local statutes, regulations, rules, ordinances, guidelines and/or policies at the VIM facility/site.
9. Any and all photographs or videos pertaining to the VIM facility/site.
10. Any and all call logs, dispatch reports, transcripts, incident and/or investigation reports, complaints, reports of site visits, or other documents of any kind relating to the VIM facility/site.
11. Any and all other documents not specifically requested regarding VIM Recycling, Inc., K.C. Industries, LLC, Kenneth R. Will, Soil Solution Company and/or other person or entity involved in the management, operation, ownership and/or control of the VIM facility/site.

ISSUED Jan. 6, 2011

Respectfully submitted,

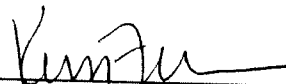
LEGAL ENVIRONMENTAL AID FOUNDATION



Kim E. Ferraro, Attorney No. 27102-64
150 Lincolnway, Suite 3002
Valparaiso, IN 46383
219/464-0104

CERTIFICATE OF SERVICE

I certify that on the 10th day of December, 2010, service of true and complete copies of Subpoena Duces Tecum and Plaintiffs' Non-Party Request for Production to the U.S. Environmental Protection Agency was made on all counsel of record listed below by depositing same in the U.S. Mail in envelopes properly addressed to them and with sufficient first-class postage affixed.



Kim E. Ferraro, Attorney No. 27102-64

William D. Beyers
Bruce P Clark & Associates
7880 Wicher Avenue, #300
St. John, IN 46373

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